

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

WSOU INVESTMENTS, LLC d/b/a
BRAZOS LICENSING AND
DEVELOPMENT,

Plaintiff,

v.

DELL TECHNOLOGIES INC., DELL
INC., AND EMC CORPORATION,

Defendants.

Case No. 6:20-cv-00473-ADA

Case No. 6:20-cv-00478-ADA

JURY TRIAL DEMANDED

**DECLARATION OF BRIAN A. ROSENTHAL IN SUPPORT OF
DEFENDANTS' RESPONSIVE CLAIM CONSTRUCTION BRIEF
REGARDING PATENT NOS. 9,137,144 & 7,126,921**

I, Brian A. Rosenthal, declare as follows:

1. I am an attorney permitted to practice law before this Court *pro hac vice* and am licensed to practice law in New York and the District of Columbia. I am a partner with the law firm of Gibson, Dunn & Crutcher LLP and counsel of record for Defendants Dell Technologies Inc., Dell Inc. and EMC Corporation in the above-captioned action. I have personal knowledge and/or am directly informed of the matters stated below and, if called, would testify to them under oath.

2. Attached hereto as **Exhibit 1** is a true and correct copy of the November 18, 2014 Amendment and Request for Continued Examination, from the file history of U.S. Patent No. 9,137,144. This was retrieved from the United States Patent Office's website (<https://portal.uspto.gov/pair/PublicPair>).

3. Attached hereto as **Exhibit 2** is a true and correct excerpt of Plaintiff's Infringement Contentions for U.S. Patent No. 9,137,144, dated October 14, 2020.

4. Attached hereto as **Exhibit 3** sets forth the claim constructions on which the parties agreed for U.S. Patent No. 7,126,921.

5. Attached hereto as **Exhibit 4** is a true and correct copy of Plaintiff's Infringement Contentions for U.S. Patent No. 7,126,921, dated October 14, 2020.

6. I declare under penalty of perjury that the foregoing is true and correct.

Dated: March 17, 2021

/s/ Brian A. Rosenthal
Brian A. Rosenthal